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In re Application of
FECHNER et al.
Application No. 10/630,324
Filed: July 24, 2003
Attorney Docket No. 09110-US

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DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final office action mailed November 1, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 2, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final action of November 1, 2004 is accepted as having been unintentionally delayed.

Since the reply in the form of an amendment is a sufficient response to the non-final rejection of November 1, 2004, the filing of a RCE is unnecessary, and its requisite fee will be credited to the deposit account authorized in the RCE Transmittal.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is being forwarded to Technology Center Art Unit 3671.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions